

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 14TH SEPTEMBER 2007 / 23RD BHADRA 1929

CRP.No. 696 of 2007()

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OP.85/2004 of II ADDL.DISTRICT COURT,ERNAKULAM

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REVN. PETITIONER: PETITIONER

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JOY PAUL,  
ODOLIL HOUSE,PERINGOLE,  
AIKKARANADU NORTH VILLAGE,  
KUNNATHUNADU TALUK,ERNAKULAM DISTRICT.

BY ADV. SRI.VIJU ABRAHAM  
SRI.JOY C. PAUL

RESPONDENTS: RESPONDENTS

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1. THE KERALA STATE ELECTRICITY BOARD,  
REPRESENTED BY ITS SECRETARY, VYDHUDDHI BHAVAN,  
THIRUVANANTHAPURAM.
2. DEPUTY TAHSILDAR (L.A)  
KERALA STATE ELECTRICITY BOARD,POWER HOUSE,  
ERNAKULAM.

THIS CIVIL REVISION PETITION HAVING COME UP FOR ADMISSION  
ON 14/09/2007, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:

**M.N.Krishnan, J.**  
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**C.R.P.No.696 of 2007**  
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**Dated this the 14<sup>th</sup> day of September, 2007.**

**ORDER**

This Civil Revision Petition is preferred against the order of the Second Additional District Judge, Ernakulam in Ele. O.P.No.85 of 2004. The revision petitioner filed a petition for enhancement of the compensation contending that an eight year coconut tree was yielding 400 coconuts per year.

2. It was submitted that there is considerable diminution in the value of the land on account of the utility for which purpose it was meant. The petitioner went on to contest the case contending that the value is ranging from about Rs.75,000/- to Rs.1,00,000/-. The court below did not find in favour of the petitioner. The court referred to the valuation statement and held that even from a coconut tree aged about 15 years, the net income was taken as 18 coconuts. So far as the utility value of the land is concerned, the court found that the electric line does not pass directly over head the property belonging to the petitioner and that it only passes along the boundary of the petitioner's property and that he has lost only one coconut tree aged about 15 years.

3. No evidence was let in with regard to the real income

derived from the coconut tree. The Apex Court in the decision reported in **K.S.E.B. v. Livisha** - 2007 (3) K.L.T. 1 has set aside the judgment of a Full Bench of this Court and directed that each case to be considered depending upon the facts and circumstances of each case regarding the diminution of the value of the property. The learned District Judge found that the line passes only along the boundary of the property of the revision petitioner and it has not affected the utility of the land at all. The court also found that there is only loss of one coconut tree of aged 8 years for which some compensation has been awarded by the K.S.E.B.

4. So, taking into consideration the entire materials, I find that there is no material illegality or irregularity committed by the court, so as to warrant interference.

Civil Revision Petition is dismissed.

M.N.Krishnan,  
Judge.